

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being canceled.

Claims 39 and 40 are currently being amended.

Claims 44 and 45 are being added.

This amendment adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After adding the claims as set forth above, claims 1-4, 7-10, 28, 29 and 35-45 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-4, 7-10, 28, 29, 35-38 and 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,157,645 to Shobatake in view of U.S. Patent No. 5,822,528 to Amano; and claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shobatake in view of U.S. Patent No. 6,175,860 to Gaucher. These rejections are traversed for at least the reasons given below.

In Shobatake, the user is the entity making the sole determination as to a communication partner of a video apparatus, based on information provided to an information switcher and displayed on a display for selection by the user. The Office Action appears to recognize this, and turns to column 4, lines 32-42 of Amano for allegedly teaching an automated system that utilizes programming for automatically selecting recording media for recording and reproduction of content, negating the need for manual selection of each individual unit when a recording or reproduction command is received.

Amano relates to a system that seeks to transmit program data over a plurality of channels in a manner so as to reduce the average waiting time of the system as a whole. See column 4, lines 8-10 of Amano. To accomplish this, a program library must record a huge amount of data (column 4, lines 37-38), and “use is made of an MO autochanger apparatus

which automatically selects from a plurality of magneto-optic (MO) discs using an autochanger and performs the recording and reproduction of data to and from the selected MO disc.” (column 4, lines 38-42).

This portion of Amano merely describes an autochanger that is used to sequentially retrieve data from different MO discs on which a particular program is stored, whereby the sequence of discs is known beforehand. For example, if a particular television program is stored on MO discs 1, 5 and 9, whereby disc 1 contains the beginning part of the television program, disc 5 contains the middle part of the television program, and disc 9 contains the end part of the television program, the MO autochanger would be preprogrammed to retrieve disc 1, and then disc 5, and then disc 9, in order to play the entire television program to a user.

Clearly, this use of an MO autochanger has nothing at all to do with automatic selection of a communication partner for a video apparatus without any input by a user.

Stated in another way, the MO autochanger of Amano merely determines which portion of contents is stored in which MO. The MO autochanger can recognize the MO which stores a certain portion of contents when recording the portion to the MO. The MO autochanger merely recalls the relation between the portion and the MO which stores the portion. Therefore, there is no need for the MO autochanger to communicate with other apparatuses about the information on the portion of the contents and the MO which stores the portion.

The operation of the MO autochanger of Amano is similar to the operation of a hard disk drive, in that a hard disk drive holds file allocation information to identify the location of each file stored therein. The hard disk drive does not provide that location information to other devices, whereby the hard disk drive merely recognizes which sectors store a designated file. The MO autochanger of Amano is similar to such operation of a hard disk drive, in that it does not provide location information to other devices. The MO autochanger of Amano is isolated with respect to other devices regarding selection of a MO which stores specific contents.

Therefore, the MO autochanger of Amano does not cure the features of the presently claimed invention that are not found in Shobotake.

Furthermore, Shobotake's system requires a user to select, via his/her information switcher, a particular device, whereby to remove such a feature from Shobotake would be contrary to the basic tenets of Shobotake's system. To assert that the teaching of an MO autochanger that can be preprogrammed to select MO discs in a particular order, as disclosed by Amano, can be used to modify Shobotake's system so that Shobotake's information switcher can perform device selections automatically without any input by a user, goes entirely against the teachings in both references. Namely, Amano's system does not contemplate any selection of MO discs based on information provided to the MO autochanger from the MO discs; rather, the selection of a particular order of MO discs to play appears to be preprogrammed in the MO autochanger, probably by a user.

Accordingly, since the combination of Shobotake and Amano does not teach the claimed invention, the presently pending claims that were rejected based on the combined teachings of these two references, are patentable over these two references.

Regarding claims 35 and 37, the Office Action takes Official Notice "that it is notoriously well known in the art to perform distributed processing of functions in a network, relieving a network of the need for a central management system." Applicants traverse this taking of Official Notice, and request that the Examiner provide a prior art teaching that is relevant to this claim feature, or otherwise withdraw this rejection. In particular, it is not notoriously well known in the art for a network component to automatically select a communication partner based on information concerning currently available resources for each of the other components on the network. Rather, a control device performs such selections in conventional networks, whereby that control device is separate from any of the network components that are being made communication partners with each other.

Furthermore, claims 35 and 37 recite usage of information concerning currently available resources for each of the other apparatuses. Such features were not known to those skilled in the art at the time the present invention was made. The known technology at the time the invention was made merely selected a communication partner based on matters, i.e., other than available resources for each of the other apparatuses. In the conventional technology, if a user desired to play certain contents, he/she must select an apparatus which stores the contents. On the other hand, in the present invention as recited in claims 35 and 37, if a user chooses contents he/she desires to play and designates it to an apparatus, the

apparatus would locate a communication partner which would store the contents on the information concerning currently available resources for each of the other apparatuses.

Accordingly, claims 35 and 37 are patentable over the cited art of record.

With regard to claims 39 and 40, which were rejected over the combination of Shobotake and Gaucher, these claims recite that when another video apparatus is newly connected to the network, the another video apparatus outputs on the network, without first being requested to do so by any other apparatus, information concerning the functions or application program interfaces, the service-availability and the stored programs of the another video apparatus.

Regarding Gaucher, which was cited against claims 39 and 40, it is noted that this reference merely teaches that a VCR may transmit its registration identifier to a master computer (column 6, lines 3-5), whereby such a registration identifier does not include information such as stored programs within the VCR and/or service-availability. Note that column 6, lines 13-15 of Gaucher teaches that “any integral information relating to the device can be transferred to master computer 12,” but this is done after the device is “automatically registered into the network”, whereby the obtaining of the integral information is presumably done by a query made by the master computer 12, and is not sent by the device to the master computer 12 without first being requested by the master computer 12 to do so.

As discussed above, the obtaining of the integral information is presumably done by a query made by the master computer 12, and is not automatically sent by the device to the master computer 12. Thus, Gaucher does not teach or suggest the “without first being requested to do so by any other apparatus” feature recited in the ‘wherein’ clause at the end of claims 39 and 40.

Still further, column 6, lines 15-17 of Gaucher discloses that “This is due to the fact that master computer 12 constantly monitors the entire network, including the RF field 15.” This feature disclosed in Gaucher is a conventional polling feature, whereby it is not pertinent to the features recited in claims 39 and 40, whereby a newly added apparatus automatically sends information to other apparatuses (e.g., without first being requested to do so by any other apparatus). Please note that claims 39 and 40 have been amended to more clearly recite this feature, which distinguishes over the combined teachings of the cited art of record.

Since Shobotake does not rectify the above-mentioned deficiencies of Gaucher, claims 39 and 40 are patentable over the combined teachings of those two references.

New Claims:

New claims 44 and 45 have been added to recite additional features of the present invention that are believed to provide a separate basis for patentability of those claims, beyond the reasons set forth above for their base claim.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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